REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. No claims have been canceled. Claims 1-36 have been amended. Claims 1-36 are currently pending in the application.

CLAIM REJECTIONS – 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 13-36 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

With regard to claims 13-24, the Examiner contended that these claims recite a computer program per se. Applicants respectfully disagree. It is well known in the computing arts that a computer program in and of itself (i.e. a computer program per se) is incapable of performing any functions. Functionality is derived only when the computer program is executed by one or more processors. In claims 13-24, the elements of the claims are recited as mechanisms for performing certain functions. Since a computer program per se is incapable of performing any functions, and since the elements of claims 13-24 specifically recite mechanisms for performing certain functions, it is clear that claims 13-24 are not directed to a computer program per se. Accordingly, Applicants respectfully request that this rejection be withdrawn.

With regard to claims 25-36, the Examiner objected to the use of the term "machine-readable medium", contending that it encompasses a carrier wave, which is non-statutory subject matter. Without any admission as to the veracity of the Examiner's rejection, but rather in the interest of advancing prosecution, Applicants have amended claims 25-36 to replace each instance of "machine-readable medium" with "machine-readable storage medium". Applicants

believe that this amendment addresses the Examiner's concerns. Hence, Applicants respectfully request that this rejection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by McBride et al. (U.S. Publication No. 2002/0083367 A1). This rejection is respectfully traversed.

Claim 1

Claim 1 has been amended, and as amended, now recites:

creating, by an operating system, a plurality of non-global operating system partitions within a global operating system environment provided by the operating system, wherein each non-global operating system partition serves to isolate processes running within that non-global operating system partition from other non-global operating system partitions within the global operating system environment, wherein enforcement of boundaries between the non-global operating system partitions is carried out by the operating system, and wherein the plurality of non-global operating system partitions comprises a particular non-global operating system partition;

maintaining a file system for the particular non-global operating system partition, the file system comprising one or more mounts;

receiving a request from a process running within the particular non-global operating system partition to view information for mounts;

determining that the process is running within the particular non-global operating system partition; and

providing to the process information for only those mounts that are within the file system for the particular non-global operating system partition.

The amendments to claim 1 are amply supported by the Specification (see e.g. Fig. 1, paragraphs 0022, 0026, etc.).

Claim 1 provides an advantageous method for creating multiple operating system partitions within a global operating system environment, and ensuring that the processes running

within an operating system partition are able to obtain mount information for only those mounts that are associated with the file system for that operating system partition.

According to claim 1, a plurality of non-global operating system partitions are created by an operating system. These non-global operating system partitions are created within a global operating system environment provided by the operating system. Each non-global operating system partition serves to isolate processes running within that non-global operating system partition from other non-global operating system partitions within the global operating system environment. Enforcement of the boundaries between the non-global operating system partitions is carried out by the operating system.

In addition to creating the non-global operating system partitions, the method maintains a file system for at least a particular one of the non-global operating system partitions. This file system comprises one or more mounts. The method also receives a request from a process running within the particular non-global operating system partition to view information for mounts. To ensure that the process is not allowed to view information for all mounts in the system but rather just the information for the mounts that are in the file system associated with the particular non-global operating system partition, the method determines that the process is executing within the particular non-global operating system partition. Knowing this, the method provides to the process the information for only those mounts that are within the file system for the particular non-global operating system partition. By doing so, the method ensures that the process running within the particular non-global operating system partition is not allowed to view information for mounts that are in the file systems of other non-global operating system partitions. Such a method is neither disclosed nor suggested by McBride.

Instead, McBride discloses a method and apparatus for restoring a system to a default factory image (DFI) (paragraph 0012). In McBride, a hard drive is divided into two logical drives: a main logical drive 210 and a recovery logical drive 230 (Fig. 2). The main logical drive is used for regular operation, and the recovery logical drive is used to restore the system to a DFI. The main logical drive includes a software stack 215 (which includes the operating system and all of the essential software that is executed in the system), a master boot record (MBR) 220, and a user interface 225. The recovery logical drive includes a copy of a factory default MBR and copy of a factory default software stack. The recovery logical drive also includes other components that are needed to implement the recovery process.

When it is desired to restore the system to a DFI, a user invokes the recovery user interface 245 of the recovery logical drive. This causes the components in the recovery logical drive to restore the factory default MBR into the MBR 220 of the main logical drive, and to restore the factory default software stack into the software stack 215 of the main logical drive. In McBride, this restoration process is performed on a partition by partition basis (i.e. each partition of the main logical drive is restored one at a time) (paragraphs 0067-0071). By performing these operations, McBride is able to restore the main logical drive to a default factory state.

With regard to claim 1, several points should be noted about McBride. First of all, it should be noted that the term "partition" is used in a very different sense in McBride than it is in claim 1. In claim 1, a partition refers to an operating system partition, which is a partition of an operation system environment provided by an operating system. Because the partition of claim 1 is an operating system partition, it makes technical sense for a process to be running within a partition (since the operating system environment provided by an operating system partition can support the running of processes). It also makes technical sense for a file system to be

maintained for a partition (this enables the processes executing within the partition to create and access files). In sharp contrast, the partition in McBride refers to a portion of a hard drive (as is well known, hard drives are divided into multiple partitions). These partitions may include, for example, a boot partition, a DOS derivative partition, a root partition, a home partition, and a var partition (paragraphs 0048-0053). Because the partition of McBride refers to a portion of a hard drive and not to an operating system environment, much of what is recited in claim 1 would make no technical sense when read in the context of McBride's definition of partition. For example, it would make no technical sense to maintain a file system for a hard drive partition. Some of the files in a file system may be stored within a hard drive partition, but a file system would not be maintained for a hard drive partition. Likewise, it would make no technical sense to have a process running within a hard drive partition. The code for a program may be stored within a hard drive partition, but the runtime process that results from executing the code would not run within that hard drive partition. Overall, McBride deals with a very different type of partition than that addressed by claim 1. As a result, McBride fails to disclose or suggest numerous aspects of claim 1.

Specifically, claim 1 recites "creating, by an operating system, a plurality of non-global operating system partitions within a global operating system environment provided by the operating system, wherein each non-global operating system partition serves to isolate processes running within that non-global operating system partition from other non-global operating system partitions within the global operating system environment". There in nothing in McBride that discloses or suggests this aspect of claim 1. Specifically, McBride does not disclose or suggest creating, by an operating system, a plurality of non-global operating system partitions within a global operating environment. There certainly is nothing in McBride that discloses or suggests

that each non-global operating system partition serves to isolate processes running within that non-global operating system partition from other non-global operating system partitions. As argued above, it does not make any technical sense for a process to be running within a hard drive partition. Thus, it would also make no technical sense for a hard drive partition to isolate processes running within that hard drive partition from other hard drive partitions. Consequently, this limitation of claim 1 is clearly not disclosed or suggested by McBride.

Claim 1 also recites "maintaining a file system for the particular non-global operating system partition". As noted above, it makes no technical sense to maintain a file system for a hard drive partition. Some of the files in a file system may be stored within a hard drive partition, but no file system is maintained for a hard drive partition. Thus, McBride clearly does not disclose or suggest this aspect of claim 1.

Claim 1 further recites "receiving a request from a process running within the particular non-global operating system partition to view information for mounts". As noted above, it does not make technical sense for a process to be running within a hard drive partition. Thus, it also would make no technical sense to receive a request from a process running within a hard drive partition. Thus, this aspect of claim 1 is clearly not disclosed or suggested by McBride.

Claim 1 further recites "determining that the process is running within the particular non-global operating system partition". Again, since it does not make technical sense for a process to be running within a hard drive partition, it also makes no technical sense to determine that a process is running within a hard drive partition. Thus, McBride clearly does not disclose or suggest this aspect of claim 1.

Finally, claim 1 recites "providing to the process information for only those mounts that are within the file system for the particular non-global operating system partition". As argued

above, it makes no technical sense for a <u>process to be running within a hard drive partition</u>. That being the case, it would also make no technical sense to provide mount information to a process running within a hard drive partition. Thus, McBride clearly does not disclose or suggest this aspect of claim 1.

In support of the rejection, the Examiner cited paragraph 0070 of McBride, contending that this paragraph discloses all of the limitations recited in claim 1. Applicants respectfully disagree. In paragraph 0070, McBride merely elaborates upon the process of copying information from one partition in the recovery logical drive to a target partition in the main logical drive. Specifically, paragraph 0070 discusses the process of determining whether a file system used by the computer system supports mounting. If so, then mount points are created for partitions that are subsequently mounted. Contrary to the Examiner's contention, there is nothing in this paragraph that discloses or suggests the aspects of claim 1 discussed above.

As shown by the above discussion, McBride fails to disclose or suggest numerous aspects of claim 1. Consequently, Applicants respectfully submit that claim 1 is patentable over McBride.

<u>Claims 13 and 25</u>

Claim 13 is an apparatus counterpart of claim 1, and claim 25 is a machine-readable storage medium counterpart of claim 1. Applicants submit that these claims are patentable over McBride for at least the reasons given above in connection with claim 1.

<u>Dependent claims 2-12, 14-24, and 26-36</u>

Dependent claims 2-12, 14-24, and 26-36 depend variously from the independent claims 1, 13, and 25. Applicants submit that claims 2-12, 14-24, and 26-36 are patentable over McBride for at least the reasons given above in connection with independent claims 1, 13, and 25. Applicants note that the various dependent claims recite additional limitations that render them independently patentable over McBride. However, in light of the arguments offered above in connection with the independent claims, Applicants do not believe that it is necessary to address these additional limitations at this time. Applicants reserve the right to argue these additional limitations at a later time, if necessary.

CONCLUSION

For the foregoing reasons, Applicants submit that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, allowance of all of the pending claims is hereby respectfully solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The

Commissioner is authorized to charge any fee that may be due in connection with this Reply to

our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: April 24, 2008

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